

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 13 - HB 17

January 26, 2017

SUMMARY OF BILL: Broadens the offense of aggravated stalking to include any stalking offense in which the victim is 65 years of age or older and the offender is 15 or more years younger than the victim. Aggravated stalking is a Class E felony.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$70,300/Incarceration*

Assumptions:

- Aggravated stalking is the offense of stalking—willful course of conduct involving repeated or continuing harassment of another individual—accompanied by an aggravating factor (e.g., displaying a deadly weapon, previous stalking conviction within the last seven years, acted in violation of a restraining order or injunction).
- The proposed legislation adds an aggravating factor in which the victim is 65 years of age or older and the offender is more than 15 years of age younger than the victim.
- The Tennessee Incident Based Reporting System (TIBRS) shows seven incidents of stalking involving a victim 65 years of age and older and where the offender was between the age of 18 and 54. Further, TIBRS shows that the arrest clearance rate for stalking is only 21.6 percent (342 arrests / 1,585 incidents).
- It is assumed that the bill will result in two admissions each year for aggravated stalking, a class E felony.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not impact this legislation.
- The average time served for a class E felony is 1.40 years.
- According to the Department of Correction, the average operating cost per offender per day for calendar year 2017 is \$68.75.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two offenders serving an additional 1.40 years (511.35 days) for a total of \$35,155 (\$68.75 x 511.35 days). The cost for two offenders is \$70,310 (\$35,155 x 2).

- The bill does not create any new cases, but rather elevates a few misdemeanors to felonies. It is assumed that the courts, the district attorneys, and the public defenders can accommodate the impact within their existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm